

ENTERED

May 03, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SPECTRUM	§	CIVIL ACTION NO
LABORATORIES, LLC,	§	4:22-cv-03705
Plaintiff,	§	
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
URZ TRENDZ LLC, <i>et al</i> ,	§	
Defendants.	§	

ORDER

The motion by URZ Trendz, LLC, seeking reconsideration of a recent discovery order is denied. Dkt 99; see Dkt 97.

A further discovery order will be entered separately, while resolving the disagreements noted on the proposed order as submitted by Spectrum Laboratories, LLC. Dkts 100 & 100-1.

The motion for summary judgment by URZ Trendz is denied without prejudice. Dkt 103. It may seek leave to file a further summary judgment motion after it has complied with its discovery obligations.

* * *

Spectrum filed this action under the Lanham Act in October 2022 with respect to Quick Fix synthetic urine product. Dkt 1.

In March 2023, Spectrum served URZ Trendz with a subpoena to identify which entities provided URZ Trendz with the products alleged to be counterfeit in this action. Dkt 39. URZ Trendz was a non-party at the time and filed objections. Dkt 45-2. Spectrum amended the subpoena

accordingly, and a standard protective order was entered at the parties' request. Dkts 45 at 1–2 & 42.

URZ Trendz failed to comply with the subpoena. In May 2023, Spectrum filed a motion to compel, which was granted. Dkts 45 & 46. In June, Spectrum amended its complaint to add URZ as a defendant. Dkt 50. URZ Trendz filed a motion to dismiss, which was denied. Dkts 56 & 63.

The discovery issues continued into August. At a discovery hearing on August 29, 2023, it was determined that Spectrum's discovery requests "were proper and understandable, and that URZ Trendz hasn't been cooperative or proceeding in accordance with its discovery obligations under the Federal Rules of Civil Procedure." Dkt 63 at 1. The objections by URZ Trendz to discovery were overruled, and it was admonished regarding its lack of cooperation. *Ibid*.

Spectrum amended its complaint to seek a permanent injunction against URZ Trendz, along with damages and other equitable relief. Dkt 62 at 1. URZ Trendz responded with affirmative defenses and counterclaims. Dkt 64. Spectrum filed a motion to dismiss the counterclaims and to strike two of the affirmative defenses. Dkt 67. The motion was denied, with note that further discovery should proceed. Dkt 78.

While the above motions were pending, Spectrum by email provided notice of additional discovery concerns, to which URZ Trendz filed no response. Dkt 80 at 1. Spectrum was thus granted leave to bring a motion regarding URZ Trendz's discovery failures, including requests for electronic discovery to satisfy completeness of a responsive search. *Id* at 1–2.

Spectrum filed a motion for sanctions. Dkt 83. The motion was denied without prejudice, with the parties ordered to confer and create a discovery order similar to that submitted by Spectrum in prior filings. Dkt 97. It was further ordered that Spectrum would pay for the ESI vendor that would conduct the requested discovery. *Id* at 2. Spectrum followed the Court's instructions and filed a

proposed order, which included disagreements stated by URZ Trendz. Dkts 100 & 100-1.

Pending is a motion by URZ Trendz for reconsideration and various objections to the order for forensic discovery. Dkt 99; see Dkts 97 (order denying motion as to sanctions but granting as to further specification and enforcement of prior discovery orders), 53 (order denying motion to compel but ordering URZ to comply with discovery obligations within seven days) & 63 (order requiring URZ to comply with specific discovery requests).

Nothing supports reconsideration. URZ Trendz has been provided multiple opportunities to comply with discovery, which it has decidedly refused to do. Its many objections have been considered and nothing new by way of law or evidence is brought to light. And now, over a year after first being subpoenaed, URZ Trendz has still failed to comply with either its discovery obligations or this Court's orders. And its attitude approaches—if not already passing into—bad faith.

* * *

The motion by URZ Trendz LLC for reconsideration of discovery order is DENIED. Dkt 99.

The discovery order as presented by Spectrum Laboratories, with the disagreements between the parties addressed and resolved, will be entered separately. Dkt 100.

The motion for summary judgment by URZ Trendz is DENIED WITHOUT PREJUDICE. Dkt 103. Spectrum justifiably requested that responsive briefing on the motion be deferred until it obtains its requested discovery. Dkt 106. URZ Trendz may seek leave to file a summary judgment motion after it has complied with its discovery obligations.

SO ORDERED.

Signed on May 3, 2024, at Houston, Texas.

A handwritten signature in black ink, reading "Ch R Eskridge" with a stylized flourish at the end.

Hon. Charles Eskridge
United States District Judge